

NOV 05 2009

AT 8:30  
WILLIAM T. LEECH  
CLERK

9. A check in the sum of \$230.00 for the filing fees. (Attached as Exhibit "A");

10. On November 5, 2009, the above action was commenced in the Superior Court of New Jersey, Chancery Division; Middlesex County, entitled *Levinson Axelrod, PA, Plaintiff, vs. Edward Heyburn and The Law Offices of Edward Harrington Heyburn, a Professional Corporation,, Defendants*, Docket Number MID-L-000220-09.

11. Defendant was **not** formally served with a summons and did **not** formally received a copy of Plaintiff's Order to Show Cause, but Plaintiff's counsel **did** email Defendant a copy of the proposed Order to show Cause and above referenced documents at 9:58: am on November 5, 2009.

12. This Notice is timely.

13. A copy of all process, pleadings and orders served upon defendant in the state court action are attached hereto as Exhibit "A".

14. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it arises under *the Anticybersquatting Consumer Protection Act, 15 U.S.C. §1125(d)(1)(A); Lanham Act, 15 U.S.C. §§ 1051-1129* and ancillary state law claims;

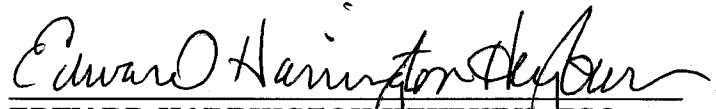
15. Furthermore, this action implicates Defendants' First Amendment Right to Free Speech;

15. I am and represent both defendant.

**WHEREFORE**, defendants Edward Heyburn and The Law Offices of Edward Harrington Heyburn, PC pray that this action be removed to the United States District Court for the District of New Jersey.

*The Law Offices of*  
EDWARD HARRINGTON HEYBURN, P.C.  
Attorney for Defendants

By:

  
**EDWARD HARRINGTON HEYBURN, ESQ.**

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DATED: **November 5, 2009**